

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ORLANDO CARDONA and SILVIA
CORDONA,

Plaintiffs,

v.

WASHINGTON MUTUAL BANK, et al.,

Defendants.

No. 12-3328 MMC

**ORDER DISMISSING COMPLAINT
WITHOUT PREJUDICE; DIRECTIONS TO
CLERK**

By order filed November 20, 2012, the Court ordered plaintiffs to show cause, in writing and no later than December 7, 2012, why the instant complaint should not be dismissed for failure to serve defendants within the 120-day period provided in Rule 4(m) of the Federal Rules of Civil Procedure. Plaintiffs have not filed a response to the Court's order within the time specified therein.

A district court "must extend" the deadline to serve upon a showing of "good cause" and has discretion to extend the deadline upon a showing of "excusable neglect." See Lemoge v. United States, 587 F.3d 1188, 1198 (9th Cir. 2009). Here, plaintiffs, having failed to respond to the Court's order of November 20, 2012, have not shown either good cause exists for an extension or that their failure to effectuate service was the result of excusable neglect.

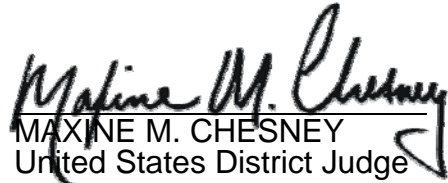
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1 Accordingly, plaintiffs' complaint is hereby DISMISSED without prejudice. See Fed.
2 R. Civ. P. 4(m).

3 The Clerk of the Court is DIRECTED to close the file.

4 **IT IS SO ORDERED.**

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6 Dated: December 13, 2012


MAXINE M. CHESNEY
United States District Judge